

REMARKS

The foregoing amendments and these remarks are in response to the Final Office Action dated July 8, 2008. This amendment is timely filed.

At the time of the Office Action, claims 1-14 and 16-26 were pending in the application. Claims 13, 14 and 26 were withdrawn from consideration. In the Office Action, claims 1-4, 6-8, 20, 22 and 25 were rejected under 35 U.S.C. §102(b). Claims 1-4, 8-12, 16 and 21 were rejected under 35 U.S.C. §103(a). Claims 5 and 18 were allowed. Claims 17, 19, 23 and 24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form. The rejections are discussed in more detail below.

I. Rejections to the Claims based upon Art

Claims 1-4, 6-8, 20, 22 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,006,021 to Wheelley (hereafter "*Wheelley*"). Claims 1-4, 8-12 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,529,340 to O'Dell ("*O'Dell*") in view of U.S. Patent No. 4,137,002 to Barker et al ("*Barker*"). Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Wheelley*.

In section 2 of the Office Action, claims 1 to 4, 6 to 8, 20 and, 22 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Wheelley*. The Examiner has ignored Applicant's previous argument that the two channels 62 and 63 in Fig. 2 cannot be operated independently of each other because of their connection to common channel 56. Instead, the Examiner states in lines 4 to 5 of section 2:

Nothing in claim 1 states any particular length that these channels 62, 63, must be. Therefore, even as short as they are, channels 62, 63 are "passing through the drilling tool."

Further, considering the response to Applicant's arguments in section 8 of the Office Action, the Examiner again states that regarding both *Wheelley* and *Barker* it is noted that nothing in the claims require the cooling lubricant channels to extend the full length of the bit.

In the interests of expeditious prosecution, Applicant has therefore reformulated claim 1 accordingly, stating that the supply channels passing through the drilling tool are "passing through the full length of the drilling tool". This is believed to clearly differentiated over *Wheelley*, although Applicant believes that the prior argument was sufficiently distinguishing.

Further, in lines 7 to 9 of section 2 the Examiner states:

Note also that nothing in claims 1, 2, or 4 state that only one supply channel must be connected with one and only one supply channel and that the other supply channel is connected to the other and only the other supply channel.

It is believed that the Examiner wanted to write that nothing in the claims states that each supply channel is connected with one and only one of the independent cooling lubricant devices. Based on this interpretation, Applicant has amended claim 1 such that it is clarified that each of the at least two internal supply channels is independently connected with one (and only one) of at least two independent cooling lubricant devices.

It is believed that amended claim 1 is now clearly differentiated over *Wheatley*, as *Wheatley* teaches the use of a single lubricant supply passage 56 which bifurcates only at the tip of the cutting tool into two discharge ports 62 and 63 (see column 5, lines 65-67). The discharge ports 62, 63 are clearly not internal supply channels which pass through the full length of the drilling tool, as taught by the present application. Equally, the lubricant supply of *Wheatley* is mixed prior to introduction into the drill head and provided in one supply line 20, rather than being supplied separately by independent cooling lubricant supply devices to each lubricant supply passage.

Turning now to the obviousness rejections of claims 1 to 4, 8 to 12 and 16 over *O'Dell* in view of *Barker* in section 4 of the Office Action, first it is believed that sentence in lines 2 to 4 should refer to *O'Dell* instead of *Barker*, since *Barker* does not show first and second pump systems. It is true that *O'Dell* discusses removing blockages with cooling flows. However, the Examiner is still misinterpreting the section in column 3, lines 40 *et seq.* According to the Examiner, *O'Dell* discloses that the coolant is supplied to the conventional drill bit having fluid passageways. However, in Applicant's view this is a misinterpretation, since the cited section reads:

The cooling is fed to a conventional oil hold drill which has a longitudinal passageway extending axially therein having an opening at the tip of the drill through which the coolant fluid alternately passes (...).

Therefore, *O'Dell* clearly refers to one single longitudinal passageway only, and not to a plurality of passageways. Having this correct interpretation of *O'Dell* in mind it is clear that *Barker* does not show such a conventional bit as referenced by *O'Dell*, as claimed by the Examiner.

Instead, *Barker* shows a drilling tool having two passageways which have two openings on either side of the tip of the drilling tool. This is far from being a conventional oil hole drill as mentioned in column 3 of *O'Dell*. At least for this reason, *O'Dell* and *Barker* cannot be combined to arrive at a drilling device having all of the limitations of claim 1.

For the foregoing reasons, it is believed that amended claim 1 relates to patentable subject matter that is both novel and non-obvious over the prior art, and as such, that claim 1 is in condition for allowance. The claims dependent upon claim 1 are also believed allowable, because of the further features recited, and because of their dependence upon an allowable base claim.

II. Allowed Subject Matter

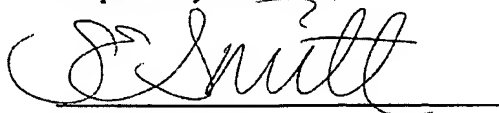
In the Office Action, claims 5 and 18 were allowed. Claims 17, 19, 23 and 24 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claim 17 is duly rewritten in independent form herein. Claim 19 is dependent upon claim 17 and is thus also allowable.

III. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

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Respectfully submitted,



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